

Robert A. Canino, OK Bar No. 011782
Toby W. Costas, TX Bar No. 04855720
Devika Seth, D.C. Bar No. 975161
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
207 S. Houston St., 3rd Floor
Dallas, Texas 75202
Telephone: (214) 253-2764
Facsimile: (214) 253-2749
E-Mail: devika.seth@eeoc.gov

Attorneys for Plaintiff
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

GNLV CORP. d/b/a GOLDEN NUGGET
HOTEL AND CASINO, and
DOES 1 through 10, inclusive,

Defendants.

) CIVIL NO. 2:06-CV-01225 RCJ-PAL
) **NOTICE OF SETTLEMENT**
) **AND PROPOSED FINAL ORDER**

Plaintiff, the United States Equal Employment Opportunity Commission ("EEOC") and Defendant, GNLV Corp. d/b/a Golden Nugget Hotel and Casino, and DOES 1 through 10, inclusive ("Defendant") provide notice that they have reached a settlement of the

1 above-captioned case. The terms of settlement are reflected in the proposed Final Order that is
2 attached with this Notice. The parties hereby request Entry of the proposed Final Order by the
3 Court.
4

5 Respectfully submitted,

6 EQUAL EMPLOYMENT OPPORTUNITY
7 COMMISSION

8 ROBERT A. CANINO
9 Regional Attorney
10 Oklahoma Bar No. 011782

11 TOBY W. COSTAS
12 Supervisory Trial Attorney
13 Texas Bar No. 04855720

14 /s/Devika Seth
15 DEVIKA SETH
16 District of Columbia Bar No. 975161
17 Equal Employment Opportunity
18 Commission
19 207 South Houston St., 3rd Floor
20 Dallas, Texas 75202

21 EQUAL EMPLOYMENT OPPORTUNITY
22 COMMISSION
23 Dallas District Office
24 207 S. Houston, Third Floor
25 Dallas, Texas 75202
26 (214) 253-2764 (Tel)
27 (214) 253-2749 (Fax)
28

CERTIFICATE OF CM/ECF SERVICE

I am, and was at the time the herein mentioned service took place, a citizen of the United States, over the age of eighteen (18) years and not a party to the above-entitled cause.

I am employed in the Legal Unit of the Dallas District Office of the United States Equal Employment Opportunity Commission. My business address is U.S. Equal Employment Opportunity Commission, 207 S. Houston Street, Dallas, TX 75202.

I served the foregoing Notice and via the Case Management/Electronic Case Filing (CM/ECF) system at Dallas, County of Dallas, Texas to the attorneys for Defendant listed below:

Richard A. Sheehy & Robert Edward Perkins
Sheehy Ware & Pappas PC
909 Fannin Street
Houston , TX 77010
(713) 951-1004
(713) 289-2004 (Fax)

Eric W. Swanis
Greenberg Traurig LLP
3773 Howard Hughes Parkway Suite 400N
Las Vegas, NV 89102
(702) 702-6895

I declare under penalty of perjury that the foregoing is true and correct.
Executed on February 24, 2016, at Dallas, Texas.

/s/ Devika Seth
DEVIKA SETH

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**GNLV CORP., d/b/a GOLDEN NUGGET
HOTEL AND CASINO, and DOE 1-10,
inclusive**

Defendant.

CIVIL ACTION NO.

2:06-CV-01225-RCJ-PAL

FINAL ORDER

The parties to this Final Order are the Plaintiff, United States Equal Employment Opportunity Commission (“EEOC”), Defendant, GNLV Corp., d/b/a Golden Nugget Hotel and Casino, and DOE 1-10 inclusive (“GNLV”). This Final Order resolves Civil Action No. 2-cv-01225-RCJ-PAL, which the EEOC initiated under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 (the “Lawsuit”).

This case is resolved as set forth in this Final Order.

THEREFORE, this Court ORDERS, ADJUDGES AND DECREES that:

1. This Court has jurisdiction to enforce the provisions of this Final Order.
2. This Final Order resolves all issues, including all like-and-related issues, raised in EEOC Charge Number 340A300813 and the Lawsuit. This Final Order further resolves all issues in the Complaint filed by the EEOC in this civil action. This case is hereby dismissed with prejudice. The EEOC does not waive processing or litigating charges or cases other than the above-referenced charge and Complaint.

3. GNLV acknowledges and will comply with its statutory obligation under Title VII, and will not retaliate in any way against any employee because of opposition to any practice declared unlawful under the Title VII.

4. GNLV agrees to post the Notice appended hereto as Attachment “A” on the employee bulletin board at its Las Vegas location within 10 days after the entry of this Final Order. GNLV will send a letter to the EEOC that it has complied with this requirement within 30 days after posting the notice. The Notice will remain posted through February 2018.

5. Defendant agrees to conduct annual training for all employees before December 31, of each year – 2016 and 2017. The training shall be at least one (1) hour in duration and will include:

a. Training regarding all aspects of how to handle any harassment by a third party, including customers and suppliers of GNLV, including how to address and report claims of harassment, as well as the process associated with the investigation of such claims.

b. Training of all employees regarding the anti-retaliation provisions of Title VII, with specific examples of what constitutes “protected activity and clear articulation of the mandatory prohibition against taking any adverse employment action when an employee engages in such activity.

c. GNLV will send a letter to the EEOC confirming that the annual training was conducted within 30 days of the completion of the training.

6. The Court previously issued orders in the Lawsuit dismissing all class “pattern or practice” allegations brought in the matter, dismissed all claims asserted on behalf of Robert Royal, Eddie Mae Hunter and Dorothy Blake, and to date has made no finding of wrongdoing on the part of GNLV as to any remaining individual claimant.

7. GNLV denies any such wrongdoing and without admitting liability, and to avoid the expense of further litigation, simply agrees to buy its peace by paying the remaining individual claimants, Susan Fein, Ervin Nixon and Candace Smith, a total of \$30,000 (thirty thousand dollars) in full and final settlement of the claims asserted in this dispute. GNLV denies any wrongdoing against anyone named in the Lawsuit including the remaining individual claimants and GNLV is making the payments to such individuals and agreeing to entry of this Final Order solely to buy its peace. The EEOC will inform GNLV how to allocate the \$30,000 among the remaining individual claimants and of the current mailing address of each individual claimant, and will provide GNLV with a current IRS Form W9 executed by each such claimant within 14 days of the entry of this Final Order. Within 14 days of receipt of such information from the EEOC, GNLV will mail payment to the individual claimants by certified mail and shall send a letter to the EEOC with proof of payment. GNLV will issue an IRS Form 1099 to each recipient in the ordinary course of business.

8. All letters to the EEOC required by this Final Order, as referenced in Paragraphs 4, 5 and 7 above, shall be sent to Devika Seth, Senior Trial Attorney, 207 S. Houston Street, 3rd Floor, Dallas, Texas 75202.

9. The parties agree to bear their own costs associated with this action, including attorney's fees.

10. The Court has the right to specifically enforce the terms of this Final Order. Nothing in this Final Order shall preclude further actions by the EEOC or any other person to remedy any other alleged violations of Title VII by GNLV.

11. The effective date of this Final Order shall be the date upon which it is signed by the Court.

12. The Court shall retain jurisdiction to enforce the terms of this Final Order.

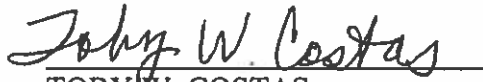
Respectfully submitted,



ROBERT A. CANINO

Regional Attorney

Oklahoma State Bar No. 011782



TOBY W. COSTAS

Supervisory Trial Attorney

Texas State Bar No. 04855720

DEVIKA SETH

Senior Trial Attorney

District of Columbia Bar No. 975161

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Dallas District Office

207 South Houston Street, 3rd Floor

Dallas, Texas 75202

Phone: (214) 253-2760

Fax: (214) 253-2749

ATTORNEYS FOR PLAINTIFF EEOC



ROBERT EDWARD PERKINS
SHEEHY WARE & PAPPAS, P.C.
909 Fannin Street
Houston, TX 77010
Phone: (713) 951-1004
Fax: (713) 289-2004
eperkins@sheehyware.com

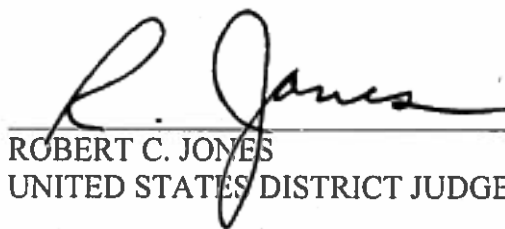
ERIC W. SWANIS
GREENBERG TRAURIG LLP
3773 Howard Hughes Parkway, Suite 400 North
Las Vegas, NV 89169
Phone: (702) 792-3773
Fax: (702) 792-9002
swanise@gtlaw.com

**ATTORNEYS FOR DEFENDANT
GNLV CORP d/b/a GOLDEN NUGGET
HOTEL AND CASINO**

SO ORDERED AND ENTERED:

March 1, 2016

DATE



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE

Exhibit A

NOTICE TO ALL EMPLOYEES

This Notice is being posted pursuant to a request by the **U. S. Equal Employment Opportunity Commission** (“EEOC”) and Golden Nugget Hotel and Casino (“Golden Nugget”) agreed to do so.

Federal and state law require that there be no discrimination against any employee or applicant for employment because of the employee’s religion, race, color, sex, national origin, age or disability (“protected category”) with respect to hiring, firing, compensation or other terms and conditions of employment. Harassment by customers based on any protected category will not be tolerated.

Federal and state law require that there be no retaliation against any employee because that person has opposed what he or she believes to be an unlawful employment practice, has filed a charge of discrimination, or has given testimony, assistance, or participated in any manner in any investigation, proceeding or hearing under Title VII of the Civil Rights Act of 1964, as amended.

An employee has, and should exercise, the right to report allegations of discrimination, including customer harassment based on any protected category in the workplace. An employee may do so by notifying any one of the following: The Employee Relations Department at 702.398.8217, the Vice President of Human Resources at 702.386.8136 or to any other supervisor or Member of Management with whom the employee feels comfortable. Supervisors and managers who are informed of a complaint or allegations of discrimination must immediately notify the Employee Relations Department at 702.386.8217 or the Vice President of Human Resources at 702.386.8136. In addition or in the alternative, an employee may contact the EEOC, Las Vegas Local Office: 333 Las Vegas Blvd. South, Suite 8112, Las Vegas, NV 89101, toll-free: 1-800-669-4000; TTY: 1-800-669-8820.

Any report of discrimination will be thoroughly investigated, and appropriate disciplinary action, up to and including termination, may be taken against any person(s) found to have engaged in such conduct.